



Fox Rothschild LLP
ATTORNEYS AT LAW

200 Park Avenue, Suite 1200
New York, NY 10017
T: (212) 878-7900 Fax: 212-692-0940
www.foxrothschild.com

Eli Z. Freedberg
Direct Dial: (212) 878-7970
Internet Address: efreedberg@foxrothschild.com

MEMO ENDORSED

May 6, 2008

The Honorable Richard J. Sullivan
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 21C
New York, NY 10007

Re: Leung v. Home Boy Restaurant Inc.
Case No. 07-cv-08779 (RJS)(DFE)

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>5/12/08</u>

Dear Judge Sullivan:

We represent Home Boy Restaurant Inc. d/b/a Tribeca Grill and Drew Nieporent (collectively “Defendants”), in the above-referenced action. Pursuant to this Court’s local civil rules and Your Honor’s individual practices, we write to request leave to extend certain deadlines contained in this action’s Case Management Plan and Scheduling Order (the “Order”) dated February 5, 2008.

The chart below lists each current deadline and the proposed deadline.

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Depositions to conclude by:	May 9, 2008	July 9, 2008
Requests to Admit to be served by:	May 9, 2008	July 9, 2008
Fact discovery to conclude	May 26, 2008	July 28, 2008
All expert disclosures, including reports, production of documents and depositions to conclude by:	July 1, 2008	September 1, 2008
All discovery to conclude by:	July 7, 2008	September 8, 2008
Post discovery settlement conference	May 28, 2008	To be determined

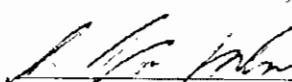
The Honorable Richard J. Sullivan
May 6, 2008
Page 2

individual practices, we have enclosed with this letter a copy of the current Order and a copy of a [Proposed] Revised Case Management Plan and Scheduling Order.

We appreciate Your Honor's prompt attention to this matter.

READ AND AGREED TO:

Dated: May 6, 2008



D. Maimon Kirschenbaum (DK-2338)
JOSEPH & HERZFELD LLP
757 Third Avenue
25th Floor
New York, NY 10017
Tel: (212) 688-5640
Fax: (212) 688-2548

Attorneys for Plaintiff

Carolyn D. Richmond (CR-0993)
Eli Z. Freedberg (EF-6854)
FOX ROTHSCHILD LLP
100 Park Avenue
New York, New York 10017
Tel: (212) 878.7983
Fax: (212) 692.0940

Attorneys for Defendants

cc: The Honorable Douglas F. Eaton



The Honorable Richard J. Sullivan
May 6, 2008
Page 2

This is the parties' first request to extend the deadlines set forth in the Order and all parties to this action have consented to the proposed extension. Pursuant to Your Honor's individual practices, we have enclosed with this letter a copy of the current Order and a copy of a [Proposed] Revised Case Management Plan and Scheduling Order.

We appreciate Your Honor's prompt attention to this matter.

READ AND AGREED TO:

Dated: May 6, 2008

Given the lack of explanation for the requested extensions (at least one of which was proposed by the parties and rejected by the Court at the time of the initial Case Management Plan), the request is denied.

The parties may renew their request provided they explain the reasons in writing.

cc: The Honorable Douglas F. Eaton

D. Maimon Kirschenbaum (DK-2338)
JOSEPH & HERZFELD LLP
757 Third Avenue
25th Floor
New York, NY 10017
Tel: (212) 688-5640
Fax: (212) 688-2548

Attorneys for Plaintiff

RJ
Carolyn D. Richmond (CR-0993)
Eli Z. Freedberg (EF-6854)
FOX ROTHSCHILD LLP
100 Park Avenue
New York, New York 10017
Tel: (212) 878.7983
Fax: (212) 692.0940

Attorneys for Defendants

RJS
SO ORDERED
Dated: 5/9/08
RICHARD J. SULLIVAN
U.S.D.J.